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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                                |   |                       |
|--------------------------------|---|-----------------------|
| In re Application of:          | : | Before the Examiner:  |
| Randy Swanberg et al.          | : | Pramila Parthasarathy |
| Serial No.: 09/657,121         | : | Group Art Unit: 2136  |
| Filed: September 07, 2000      | : |                       |
| Title: STACK MEMORY PROTECTION | : | IBM Corporation       |
|                                | : | Intellectual Property |
|                                | : | 11400 Burnet Road     |
|                                | : | Austin, Texas 78758   |

**AMENDMENT UNDER 37 C.F.R. §1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action having a mailing date of November 2, 2004 (Paper No. 4) having a three-month shortened statutory period for response set to expire on February 2, 2005, please amend the above-identified application as follows:


**Amendments to the Claims** are reflected in the listing of claims beginning on page 2 of this paper.

**Remarks** begin on page 8 of this paper.

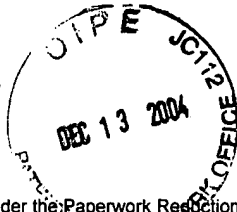
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**CERTIFICATION UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence (along with any item referred to as being enclosed herewith) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 9, 2004.

  
\_\_\_\_\_  
Signature

Serena Beller  
(Printed name of person certifying)



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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

## Complete if Known

|                      |                       |
|----------------------|-----------------------|
| Application Number   | 09/657,121            |
| Filing Date          | September 7, 2000     |
| First Named Inventor | Randy Swanberg et al. |
| Examiner Name        | Pramila Parthasarathy |
| Art Unit             | 2136                  |
| Attorney Docket No.  | AUS9-1999-0305-US1    |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 09-0447  
Deposit Account Name: IBM Corporation

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity      |          | Small Entity |          | Fee Description        | Fee Paid |
|-------------------|----------|--------------|----------|------------------------|----------|
| Fee Code          | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001              | 790      | 2001         | 395      | Utility filing fee     |          |
| 1002              | 350      | 2002         | 175      | Design filing fee      |          |
| 1003              | 550      | 2003         | 275      | Plant filing fee       |          |
| 1004              | 790      | 2004         | 395      | Reissue filing fee     |          |
| 1005              | 160      | 2005         | 80       | Provisional filing fee |          |
| SUBTOTAL (1) (\$) |          |              |          |                        |          |

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims:  -36\*\* =  X  18 =   
Independent Claims:  -5\*\* =  X  00 =   
Multiple Dependent:  =

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |
| 1201         | 88       | 2201         | 44       | Independent claims in excess of 3                          |
| 1203         | 300      | 2203         | 150      | Multiple dependent claim, if not paid                      |
| 1204         | 88       | 2204         | 44       | ** Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath  |          |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053     | 130      | 1053     | 130      | Non-English specification  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251     | 110      | 2251     | 55       | Extension for reply within first month                                     |          |
| 1252     | 430      | 2252     | 215      | Extension for reply within second month                                    |          |
| 1253     | 980      | 2253     | 490      | Extension for reply within third month                                     |          |
| 1254     | 1,530    | 2254     | 765      | Extension for reply within fourth month                                    |          |
| 1255     | 2,080    | 2255     | 1,040    | Extension for reply within fifth month                                     |          |
| 1401     | 340      | 2401     | 170      | Notice of Appeal   |          |
| 1402     | 340      | 2402     | 170      | Filing a brief in support of an appeal                                     |          |
| 1403     | 300      | 2403     | 150      | Request for oral hearing   |          |
| 1451     | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452     | 110      | 2452     | 55       | Petition to revive - unavoidable   |          |
| 1453     | 1,370    | 2453     | 685      | Petition to revive - unintentional   |          |
| 1501     | 1,370    | 2501     | 685      | Utility issue fee (or reissue)   |          |
| 1502     | 490      | 2502     | 245      | Design issue fee   |          |
| 1503     | 660      | 2503     | 330      | Plant issue fee  |          |
| 1460     | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807     | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809     | 790      | 2809     | 395      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810     | 790      | 2810     | 395      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801     | 790      | 2801     | 395      | Request for Continued Examination (RCE)                                    |          |
| 1802     | 900      | 1802     | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

(Complete (if applicable))

|                   |                            |                                   |                  |           |              |
|-------------------|----------------------------|-----------------------------------|------------------|-----------|--------------|
| Name (Print/Type) | Richard F. Frankeny        | Registration No. (Attorney/Agent) | 47,573           | Telephone | 512.370.2872 |
| Signature         | <i>Richard F. Frankeny</i> | Date                              | December 9, 2004 |           |              |

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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